

Remarks

As a preliminary matter, Applicant erroneously omitted in their last response both “Exhibit 3” (mention below), and “Exhibit 1.” However, it is noted in the present Office Action that the examiner requires the Applicant to submit only “Exhibit 3”, presumably because the examiner has access to “Exhibit 1” (Provisional Application No. 60/607/335 filed on September 3, 2004) on the USPTO data base. In addition, Applicant believes they previously submitted “Exhibit 2” (Declaration of Ms. Tish Ramos). Accordingly, this response is identical to the one February 5, 2010 except for the present inclusion of “Exhibit 3.”

Claims 1-20 are pending. Claims 10 and 13-20 are withdrawn.

No claim amendments have been made.

The rejection of claims 1, 2, 4, and 6-8 as being rejected under 35 USC 102(a) as being anticipated by Huang et al, and claims 3, 5, 9, 11 and 12 under USC 103(a) as being unpatentable variously over Huang in view of Hsu or Yu, is respectfully traversed.

Applicant now wishes to establish their invention of the subject matter prior to the effective date of the reference (*i.e.* Huang scientific publication date of January 28, 2004). Accordingly, without having access to the Huang reference, the basis for the above rejections is improper.

As evidence, Applicant now submits three items:

- 1) A copy of the provisional application to which the current application relies upon for benefit of the filing date (Provisional Application No. 60/607/335 filed on September 3, 2004) (see **Exhibit 1**).
- 2) A declaration under 37 CFR 1.131 signed by Ms. Tish Ramos (see **Exhibit 2**) indicating that she was responsible for sending the copy of Invention Disclosure and Form (see below and **Exhibit 3**) to Ms. Linda Stevenson on December 8, 2003, which is prior to prior art date of Huang (January 28, 2004).

- 3) A copy of Invention Disclosure and Form (totaling 19 pages; see **Exhibit 3**) sent by facsimile by Ms. Tish Ramos at UC Santa Barbara to Ms. Linda Stevenson on December 8, 2003 (referred to by the declaration of Ms. Tish Ramos). The date of transmission (December 8, 2003) and consecutive page numbering is shown on the top of some of the pages (note: the page numbering is obscured on some pages). This disclosure was then used as basis for the above mentioned Provisional Application No. 60/607/335 (**Exhibit 1**). Some information relating to dates of conception has been redacted.

Discussion of Invention Disclosure (**Exhibit 3**)

As should be evident to a person of skill in the art, part of the disclosure (pages 6-19) are in the form of a draft manuscript to be submitted to a peer reviewed journal. It is then evident that the disclosure describes experiments actually performed (*i.e.* a reduction to practice), and a discussion of them.

For instance, the abstract essentially discloses a reduction to practice of the claims prior to the prior art date of Huang, to wit:

“We report the synthesis of a cationic conjugated co-polymer, poly ([9, 9-bis (6'-(N, N, N-trimethylammonium) hexyliodide)-fluorene-2, 7 -diyl]-alt-[2,5 -bis (p-phenylene)-1,3,4-oxadiazole]}. (poly I). and the introduction of poly I as an electron-transport layer (ETL) in polymer light emitting diodes (PLEDs). Multilayer PLEDs are fabricated using semiconducting polymers cast from solution in an organic solvent as an emissive layer and the water-soluble (or methanol-soluble) poly I, as an ETL in the device configuration: ITO/PEDOT/emissive polymers/ETL/Ba/Al. The results demonstrate that devices with poly I have significantly lower turn-on voltages, higher brightness and improved luminous efficiency.”

More particularly, the following table shows evidence of Applicant's claim 1 limitations in the invention disclosure prior to the Huang reference date, to wit:

Applicant's claim 1 limitations	Disclosed by Invention disclosure sent on December 8, 2003
<p>“...providing a first solution comprising a first material that is a water-soluble cationic conjugated polymer and a first solvent; ..” and</p> <p>“...depositing a first layer of one of said first and second solutions onto a substrate;...”</p>	<p>See page 12 (referring to compound 'poly 1'; see also page 8 of Invention disclosure, paragraph 2, line 8 (where poly 1 is used to fabricate a PLED).</p>
<p>“...providing a second solution comprising a second material and a second solvent; ..” and</p> <p>“depositing a second layer of the other of said first and second solutions onto the first layer; wherein the material deposited in the first layer does not dissolve in the solvent deposited in the second layer”</p>	<p>See page 12 (where semiconducting polymers are cast from solution in an organic solvent to fabricate a PLED with poly 1).</p>
<p>“... ”</p>	<p>See also Figures 1 and 2 on pages 18 and 19, respectively showing the successful fabrication of a device made using the claimed method.</p>


Thus, the entire evidence, as submitted, proves that Applicant had reduced to practice the claimed invention prior to the publication date of Huang (January 28, 2004). Accordingly, the Huang reference should not be available as prior art under both 102(a) and 103 (a).

In view of the foregoing, applicant urges the examiner to reconsider the obviousness rejections.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-3881.

Dated: July 27 , 2010

Respectfully submitted,

By 
Richard Y.M. Tun, Ph.D.
Registration No.: 56,594
BERLINER & ASSOCIATES
555 West Fifth Street, 31st Floor
Los Angeles, California 90013

(213) 533-4175 (Telephone)
(213) 533-4174 (Fax)